



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,558	03/17/2004	Tracy Alan Metzger	2055997-5002US	3723
23345	7590	12/21/2010		
MCGUIREWOODS, LLP			EXAMINER	
1750 TYSONS BLVD			SHEIKH, ASFAND M	
SUITE 1800				
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			12/21/2010	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,558

**Applicant(s)**

METZGER, TRACY ALAN

**Examiner**

Asfand Sheikh

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9,11,12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11,12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 10/20/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/2010 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-9, 11-12, and 14-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 8-9, 14, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1) and **Stern et al. (US 2003/0134645 A1)**.

Claim 1-3, 6, 14, and 19-22

Brown discloses a system for inventory and sales reconciliation for multiple schedules events (see at least, abstract), comprising: an interface in communication with a database for entering a collection of inventory items in the database for a selected one of the multiple scheduled events (see at least, col. 4, lines 15-55: the examiner notes a management corporate headquarter assigns inventory to a train that needs to be stocked to the commissionaires at depot stations is interpreted to be an interface to communicate inventory items for a selected one of multiple schedules events and further upload/download of data would be done via a workstation and database (see col. 12, Lines 10-20), the selected event occurring at a remote location (see at least, col. 4, lines 15-55: the examiner notes a train is a remote location); a portable terminal for transport with the collection of inventory items to the remote location for collecting sales

transactions information relating to the sales of one or more of the inventory items to the consumers (see at least, col. 4, lines 15-55) and a report server for receiving information from the database and the portable terminal for reconciliation of the inventory items and sales transaction information after the selected event (see at least, col. 6, lines 35-54 and col. 7, lines 26-41). **Further Brown teaches portable device recording consumer identifying information (see at least, col. 2, lines 33-40: the examiner notes data related to remittance collected and col. 7, lines 27-42: the examiner notes credit/debit transactions relate to a form of identifying information).** Further Brown discloses [claim 2] a payment server for receiving the consumer information from the portable terminal for completing the sales transaction after the selected event, the payment server in communication with the report server (see at least, col. 6, lines 35-54 and col. 7, lines 26-41) and the report and payment servers, using the inventory and sales transaction information for completing business transactions with one or more owners of the inventory items (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41) and [claim 6] wherein the consumer information comprises credit card information and the payment server is operable to route the card information to a final network for transaction authorization and settlement (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41).

Brown fails to disclose the use of an Internet portal for communication and wherein the portable terminal is a PDA and **wherein the PDA is configured to provide**

**a change due flag to record consumer identifying information to capture the amount of change due to consumer.**

However Brotherston discloses the use of an Internet portal for communication (see at least, [0044]), further Brotherston discloses [claim 3] a remote location comprises a scheduled air line flight (see at least, [0042]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown to include the use of an Internet portal for communication as taught by Brotherston. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide rigorous tracking of data to support analysis of productivity associated with both travel and service commodities (see at least, [0005]).

Brown in view of Brotherston fails to disclose wherein the portable terminal is a PDA and **wherein the PDA is configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer.**

The examiner notes Muehlhaeuser discloses wherein the portable terminal is a PDA (see at least, [0013] and [0036]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherston to include wherein the portable terminal is a PDA as taught by Muehlhaeuser. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide

wireless, attributable access to computer-based services, by means of a mobile hand-held device, by a service user (see at least, [0002]).

Stern **discloses wherein a device is configured to provide notification (e.g. flag) identifying information to capture the amount of compensation due to a consumer** (see at least, [0057]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherstron and Muehlhaeser to include **wherein a device is configured to provide notification (e.g. flag) identifying information to capture the amount of compensation due to a consumer** as taught by Stern. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide accurate/quick determination of the amount due and providing a notification regarding the compensation (see at least, [0057]).

#### Claims 8-9, and 13

Brown discloses a back-office subsystem including at least one server and a database for storing a plurality of travel profiles and completed travel information (see at least, col. 7, lines 52-61 and col. 15, lines 7-29), and administrator user interface in communication with the back-office subsystem for inputting and maintaining the profiles (see at least, col. 7, lines 52-61 and col. 15, lines 7-29); and end-user interface in communication with the back-office subsystem for inputting completed travel information (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41); and in-

travel terminal device for completing sales transactions and tracking on-board inventory (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41). ).

**Further Brown teaches portable device recording consumer identifying information (see at least, col. 2, lines 33-40: the examiner notes data related to remittance collected and col. 7, lines 27-42: the examiner notes credit/debit transactions relate to a form of identifying information).** Further Brown discloses a profile comprises information for a default list of items to be sold on a scheduled travel (see at least, col. 7, lines 52-61 and col. 15, lines 7-29) and further completed travel information comprises sales transaction information and inventory information (see at least, col. 4, lines 15-55 and col. 6, lines 35-54 and col. 7, lines 26-41),.

Brown fails to disclose wherein the information is flight information and wherein the in-travel terminal device is a handheld device and **wherein the PDA is configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer.**

However Brotherston discloses wherein the information is flight information (see at least, [0042]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown to include the information is flight information as taught by Brotherston. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide rigorous tracking of data to support analysis of productivity associated with both travel and service commodities (see at least, [0005]).



Brown in view of Brotherstron fails wherein the in-travel terminal device is a handheld device and **wherein the PDA is configured to provide a change due flag to record consumer identifying information to capture the amount of change due to consumer.**

The examiner notes Muehlhaeuser discloses a portable device which is used for mobile commerce during travel (see at least, [0013] and [0019], [0036]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherston to a portable device used for the mobile commerce during travel as taught by Muehlhaeuser. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide wireless, attributable access to computer-based services, by means of a mobile hand-held device, by a service user (see at least, [0002]).

Stern **discloses wherein a device is configured to provide notification (e.g. flag) identifying information to capture the amount of compensation due to a consumer** (see at least, [0057]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherstron and Muehlhaeuser to include **wherein a device is configured to provide notification (e.g. flag) identifying information to capture the amount of compensation due to a consumer** as taught by Stern. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide accurate/quick determination of

the amount due and providing a notification regarding the compensation (see at least, [0057]).

Claims 5, 7, 11-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1) and Stern et al. (US 2003/0134645 A1) as applied to the respective independent claims, and further in view of Arteaga et al. (US 2002/0161826 A1).

Claims 5 and 11-12, 15-17

Brown in view Brotherston and Muehlhaeuser and Stern fails to disclose wherein this POS device is a PDA that has a cradle for upload/download of data and further contains a touch screen interface, printer, and magnetic card stripe reader that can perform a sales transaction/adjust inventory and capture an electronic signature.

Arteaga discloses wherein the PDA can contain a cradle for upload/download (see at least, [0008]) of data and further contains a touch screen interface, printer, and magnetic card stripe reader that can perform a sales transaction/adjust inventory and capture an electronic signature (see at least, [0087])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherston and Muehlhaeuser and Stern to include wherein the PDA can contain a cradle for upload/download of data and further contains a touch screen interface, printer, and

magnetic card stripe reader that can perform a sales transaction/adjust inventory and capture an electronic signature as taught by Arteaga . One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a practical way for mobile handheld device users to carry out real-time transactions and communications on such devices (see at least, [0005]).

Claims 7 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US 6,901,381 B2) in view Brotherston (US 2002/0010633 A1) and Muehlhaeuser (US 2004/0002902 A1) and Stern et al. (US 2003/0134645 A1) as applied to the respective independent claims, and further in view of Albert et al. (US 5,991,410 A)

Claims 7 and 18

Brown in view Brotherston and Muehlhaeuser and Stern fails to disclose receiving transaction information from a financial network and storing settlement information into a database.

Albert discloses receiving transaction information from a financial network and storing settlement information into a database (see at least, col. 7, lines 17-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Brown in view of Brotherston and Muehlhaeuser and Stern to include receiving transaction information from a financial network and storing settlement information into a database as taught by Arteaga. One

of ordinary skill in the art would have been motivated to combine the teachings in order to provide add data security capabilities to existing financial transaction devices (see at least, col. 3, lines 19-21).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.